

1904

- Part Title: Recording and Reporting Occupational Injuries and Illness
- Subpart: B
- Subpart Title: Scope
- Standard Number: 1904.2
- Title: Partial exemption for establishments in certain industries.

1904.2(a)

Basic requirement.

~~1904.2(a)(1)~~

~~If your business establishment is classified in a specific low hazard retail, service, finance, insurance or real estate industry listed in Appendix A to this Subpart B, you do not need to keep OSHA injury and illness records unless the government asks you to keep the records under § 1904.41 or § 1904.42. However, all employers must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees (see § 1904.39).~~

1904.2(a)(1)

If your business establishment is classified in a specific industry group listed in appendix A to this subpart, you do not need to keep OSHA injury and illness records unless the government asks you to keep the records under Sec. Sec. 1904.41 or 1904.42. However, all employers must report to OSHA any workplace incident that results in an employee's fatality, in-patient hospitalization, amputation, or loss of an eye (see Sec. 1904.39).

1904.2(b)

Implementation.

~~1904.2(b)(1)~~

~~*Does the partial industry classification exemption apply only to business establishments in the retail, services, finance, insurance or real estate industries (SICs 52-89)?* Yes, business establishments classified in agriculture; mining; construction; manufacturing; transportation; communication, electric, gas and sanitary services; or wholesale trade are not eligible for the partial industry classification exemption.~~

~~1904.2(b)(2)~~

~~*Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company?* The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.~~

~~1904.2(b)(3)~~

~~*How do I determine the Standard Industrial Classification code for my company or for individual establishments?* You determine your Standard Industrial Classification (SIC) code by using the Standard Industrial Classification Manual, Executive Office of the President, Office of~~

Management and Budget. You may contact your nearest OSHA office or State agency for help in determining your SIC.

1904(b)(1)

Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company? The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be partially exempt.

1904(b)(2)

How do I determine the correct NAICS code for my company or for individual establishments? You can determine your NAICS code by using one of three methods, or you may contact your nearest OSHA office or State agency for help in determining your NAICS code:

(i) You can use the search feature at the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>. In the search box for the most recent NAICS, enter a keyword that describes your kind of business. A list of primary business activities containing that keyword and the corresponding NAICS codes will appear. Choose the one that most closely corresponds to your primary business activity, or refine your search to obtain other choices.

(ii) Rather than searching through a list of primary business activities, you may also view the most recent complete NAICS structure with codes and titles by clicking on the link for the most recent NAICS on the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>. Then click on the two-digit Sector code to see all the NAICS codes under that Sector. Then choose the six-digit code of your interest to see the corresponding definition, as well as cross-references and index items, when available.

(iii) If you know your old SIC code, you can also find the appropriate 2002 NAICS code by using the detailed conversion (concordance) between the 1987 SIC and 2002 NAICS available in Excel format for download at the "Concordances" link at the U.S. Census Bureau NAICS main Web page: <http://www.census.gov/eos/www/naics/>.

Non-Mandatory Appendix A to Subpart B—Partially Exempt Industries

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following Standard Industrial Classification (SIC) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees (see § 1904.39).

SIC code	Industry description	SIC code	Industry description
525	Hardware Stores	725	Shoe Repair and Shoeshine Parlors
542	Meat and Fish Markets	726	Funeral Service and Crematories

544	Candy, Nut, and Confectionery Stores	729	Miscellaneous Personal Services
545	Dairy Products Stores	731	Advertising Services
546	Retail Bakeries	732	Credit Reporting and Collection Services
549	Miscellaneous Food Stores	733	Mailing, Reproduction, & Stenographic Services
551	New and Used Car Dealers	737	Computer and Data Processing Services
552	Used Car Dealers	738	Miscellaneous Business Services
554	Gasoline Service Stations	764	Reupholstery and Furniture Repair
557	Motorcycle Dealers	78	Motion Picture
56	Apparel and Accessory Stores	791	Dance Studios, Schools, and Halls
573	Radio, Television, & Computer Stores	792	Producers, Orchestras, Entertainers
58	Eating and Drinking Places	793	Bowling Centers
591	Drug Stores and Proprietary Stores	801	Offices & Clinics Of Medical Doctors
592	Liquor Stores	802	Offices and Clinics Of Dentists
594	Miscellaneous Shopping Goods Stores	803	Offices Of Osteopathic
599	Retail Stores, Not Elsewhere Classified	804	Offices Of Other Health Practitioners
60	Depository Institutions (banks & savings institutions)	807	Medical and Dental Laboratories
61	Nondepository	809	Health and Allied Services, Not Elsewhere Classified
62	Security and Commodity Brokers	81	Legal Services
63	Insurance Carriers	82	Educational Services (schools, colleges, universities and libraries)
64	Insurance Agents, Brokers & Services	832	Individual and Family Services
653	Real Estate Agents and Managers	835	Child Day Care Services
654	Title Abstract Offices	839	Social Services, Not Elsewhere Classified
67	Holding and Other Investment Offices	841	Museums and Art Galleries
722	Photographic Studios, Portrait	86	Membership Organizations
723	Beauty Shops	87	Engineering, Accounting, Research, Management, and Related Services
724	Barber Shops	899	Services, not elsewhere classified

[37 FR 736, Jan. 18, 1972, as amended at 42 FR 65165, Dec. 30, 1977; 47 FR 145, Jan. 5, 1982; 62 FR 44552, Aug. 22, 1997; 66 FR 6122, Jan. 19, 2001]

Non-Mandatory Appendix A to Subpart B -- Partially Exempt Industries

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following North American Industry Classification System (NAICS) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted

by reason of company size or industry classification, must report to OSHA any employee's fatality, in-patient hospitalization, amputation, or loss of an eye (see Sec. 1904.39).

<u>NAICS Code</u>	<u>Industry</u>
4412.....	<u>Other Motor Vehicle Dealers.</u>
4431.....	<u>Electronics and Appliance Stores.</u>
4461.....	<u>Health and Personal Care Stores.</u>
4471.....	<u>Gasoline Stations.</u>
4481.....	<u>Clothing Stores.</u>
4482.....	<u>Shoe Stores.</u>
4483.....	<u>Jewelry, Luggage, and Leather Goods Stores.</u>
4511.....	<u>Sporting Goods, Hobby, and Musical Instrument Stores.</u>
4512.....	<u>Book, Periodical, and Music Stores.</u>
4531.....	<u>Florists.</u>
4532.....	<u>Office Supplies, Stationery, and Gift Stores.</u>
4812.....	<u>Nonscheduled Air Transportation.</u>
4861.....	<u>Pipeline Transportation of Crude Oil.</u>
4862.....	<u>Pipeline Transportation of Natural Gas.</u>
4869.....	<u>Other Pipeline Transportation.</u>
4879.....	<u>Scenic and Sightseeing Transportation, Other.</u>
4885.....	<u>Freight Transportation Arrangement.</u>
5111.....	<u>Newspaper, Periodical, Book, and Directory Publishers.</u>
5112.....	<u>Software Publishers.</u>
5121.....	<u>Motion Picture and Video Industries.</u>
5122.....	<u>Sound Recording Industries.</u>
5151.....	<u>Radio and Television Broadcasting.</u>
5172.....	<u>Wireless Telecommunications Carriers (except Satellite).</u>
5173.....	<u>Telecommunications Resellers.</u>
5179.....	<u>Other Telecommunications.</u>
5181.....	<u>Internet Service Providers and Web Search Portals.</u>
5182.....	<u>Data Processing, Hosting, and Related Services.</u>
5191.....	<u>Other Information Services.</u>
5211.....	<u>Monetary Authorities--Central Bank.</u>
5221.....	<u>Depository Credit Intermediation.</u>
5222.....	<u>Nondepository Credit Intermediation.</u>

5223..... Activities Related to Credit
Intermediation.
5231..... Securities and Commodity Contracts
Intermediation and Brokerage.
5232..... Securities and Commodity Exchanges.
5239..... Other Financial Investment Activities.
5241..... Insurance Carriers.
5242..... Agencies, Brokerages, and Other
Insurance Related Activities.
5251..... Insurance and Employee Benefit Funds.
5259..... Other Investment Pools and Funds.
5312..... Offices of Real Estate Agents and
Brokers.
5331..... Lessors of Nonfinancial Intangible
Assets (except Copyrighted Works).
5411..... Legal Services.
5412..... Accounting, Tax Preparation,
Bookkeeping, and Payroll Services.
5413..... Architectural, Engineering, and Related
Services.
5414..... Specialized Design Services.
5415..... Computer Systems Design and Related
Services.
5416..... Management, Scientific, and Technical
Consulting Services.
5417..... Scientific Research and Development
Services.
5418..... Advertising and Related Services.
5511..... Management of Companies and
Enterprises.
5611..... Office Administrative Services.
5614..... Business Support Services.
5615..... Travel Arrangement and Reservation
Services.
5616..... Investigation and Security Services.
6111..... Elementary and Secondary Schools.
6112..... Junior Colleges.
6113..... Colleges, Universities, and
Professional Schools.
6114..... Business Schools and Computer and
Management Training.
6115..... Technical and Trade Schools.
6116..... Other Schools and Instruction.
6117..... Educational Support Services.
6211..... Offices of Physicians.
6212..... Offices of Dentists.

6213.....	<u>Offices of Other Health Practitioners.</u>
6214.....	<u>Outpatient Care Centers.</u>
6215.....	<u>Medical and Diagnostic Laboratories.</u>
6244.....	<u>Child Day Care Services.</u>
7114.....	<u>Agents and Managers for Artists,</u>
	<u>Athletes, Entertainers, and Other</u>
	<u>Public Figures.</u>
7115.....	<u>Independent Artists, Writers, and</u>
	<u>Performers.</u>
7213.....	<u>Rooming and Boarding Houses.</u>
7221.....	<u>Full-Service Restaurants.</u>
7222.....	<u>Limited-Service Eating Places.</u>
7224.....	<u>Drinking Places (Alcoholic Beverages).</u>
8112.....	<u>Electronic and Precision Equipment</u>
	<u>Repair and Maintenance.</u>
8114.....	<u>Personal and Household Goods Repair and</u>
	<u>Maintenance.</u>
8121.....	<u>Personal Care Services.</u>
8122.....	<u>Death Care Services.</u>
8131.....	<u>Religious Organizations.</u>
8132.....	<u>Grantmaking and Giving Services.</u>
8133.....	<u>Social Advocacy Organizations.</u>
8134.....	<u>Civic and Social Organizations.</u>
8139.....	<u>Business, Professional, Labor,</u>
	<u>Political, and Similar Organizations.</u>

1904

- Part Title: Recording and Reporting Occupational Injuries and Illness
- Subpart: E
- Subpart Title: Reporting Fatality, Injury and Illness Information to the Government
- Standard Number: 1904.39
- Title: Reporting fatalities and multiple hospitalization incidents to OSHA.

~~1904.39(a)~~

~~**Basic requirement.** Within eight (8) hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, that is nearest to the site of the incident. You may also use the OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742).~~

1904.39(a)

Basic requirement.

(1) Within eight (8) hours after the death of any employee as a result of a work-related incident, you must report the fatality to the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

(2) Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must report the in-patient hospitalization, amputation, or loss of an eye to OSHA.

(3) You must report the fatality, in-patient hospitalization, amputation, or loss of an eye using one of the following methods:

(i) By telephone or in person to the OSHA Area Office that is nearest to the site of the incident.

(ii) By telephone to the OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742).

(iii) By electronic submission using the reporting application located on VOSHA's public Web site at <http://labor.vermont.gov/>.

~~1904.39(b)~~

~~*Implementation.*~~

~~1904.39(b)(1)~~

~~*If the Area Office is closed, may I report the incident by leaving a message on OSHA's answering machine, faxing the area office, or sending an e-mail?*~~ No, if you can't talk to a person at the Area Office, you must report the fatality or multiple hospitalization incident using the 800 number.

1904.39(b)(1)

Implementation.

If the Area Office is closed, may I report the fatality, in-patient hospitalization, amputation, or loss of an eye by leaving a message on OSHA's answering machine, faxing the Area Office, or sending an email? No, if the Area Office is closed, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye using either the 800 number or the reporting application located on VOSHA's public Web site at <http://labor.vermont.gov/>

~~1904.39(b)(2)~~

~~*What information do I need to give to OSHA about the incident?*~~ You must give OSHA the following information for each fatality or multiple hospitalization incident:

~~1904.39(b)(2)(i)~~

~~The establishment name;~~

~~1904.39(b)(2)(ii)~~

~~The location of the incident;~~

~~1904.39(b)(2)(iii)~~

~~The time of the incident;~~

~~1904.39(b)(2)(iv)~~

~~The number of fatalities or hospitalized employees;~~

~~1904.39(b)(2)(v)~~

~~The names of any injured employees;~~

~~1904.39(b)(2)(vi)~~

~~Your contact person and his or her phone number; and~~

~~1904.39(b)(2)(viii)~~

A brief description of the incident.

1904.39(b)(2)

(2) What information do I need to give to OSHA about the in-patient hospitalization, amputation, or loss of an eye? You must give OSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye:

- (i) The establishment name;
- (ii) The location of the work-related incident;
- (iii) The time of the work-related incident;
- (iv) The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye);
- (v) The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
- (vi) The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
- (vii) Your contact person and his or her phone number; and
- (viii) A brief description of the work-related incident.

~~1904.39(b)(3)~~

~~Do I have to report every fatality or multiple hospitalization incident resulting from a motor vehicle accident?~~ No, you do not have to report all of these incidents. If the motor vehicle accident occurs on a public street or highway, and does not occur in a construction work zone, you do not have to report the incident to OSHA. However, these injuries must be recorded on your OSHA injury and illness records, if you are required to keep such records.

~~1904.39(b)(4)~~

~~Do I have to report a fatality or multiple hospitalization incident that occurs on a commercial or public transportation system?~~ No, you do not have to call OSHA to report a fatality or multiple hospitalization incident if it involves a commercial airplane, train, subway or bus accident. However, these injuries must be recorded on your OSHA injury and illness records, if you are required to keep such records.

~~1904.39(b)(5)~~

~~Do I have to report a fatality caused by a heart attack at work?~~ Yes, your local OSHA Area Office director will decide whether to investigate the incident, depending on the circumstances of the heart attack.

~~1904.39(b)(6)~~

~~Do I have to report a fatality or hospitalization that occurs long after the incident?~~ No, you must only report each fatality or multiple hospitalization incident that occurs within thirty (30) days of an incident.

~~1904.39(b)(7)~~

~~What if I don't learn about an incident right away?~~ If you do not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under paragraphs

(a) and (b) of this section, you must make the report within eight (8) hours of the time the incident is reported to you or to any of your agent(s) or employee(s).

1904.39(b)

(3) Do I have to report the fatality, in-patient hospitalization, amputation, or loss of an eye if it resulted from a motor vehicle accident on a public street or highway? If the motor vehicle accident occurred in a construction work zone, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you do not have to report the fatality, in-patient hospitalization, amputation, or loss of an eye to OSHA. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

(4) Do I have to report the fatality, in-patient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public transportation system? No, you do not have to report the fatality, in-patient hospitalization, amputation, or loss of an eye to OSHA if it occurred on a commercial or public transportation system (e.g., airplane, train, subway, or bus). However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

(5) Do I have to report a work-related fatality or in-patient hospitalization caused by a heart attack? Yes, your local OSHA Area Office director will decide whether to investigate the event, depending on the circumstances of the heart attack.

(6) What if the fatality, in-patient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident? You must only report a fatality to OSHA if the fatality occurs within thirty (30) days of the work-related incident. For an in-patient hospitalization, amputation, or loss of an eye, you must only report the event to OSHA if it occurs within twenty-four (24) hours of the work-related incident. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.

(7) What if I don't learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye right away? If you do not learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye at the time it takes place, you must make the report to OSHA within the following time period after the fatality, in-patient hospitalization, amputation, or loss of an eye is reported to you or to any of your agent(s): Eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye.

(8) What if I don't learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident? If you do not learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the report to OSHA within the following time period after you or any of your agent(s) learn that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident: Eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye.

(9) How does OSHA define "in-patient hospitalization"? OSHA defines in-patient hospitalization as a formal admission to the in-patient service of a hospital or clinic for care or treatment.

(10) Do I have to report an in-patient hospitalization that involves only observation or diagnostic testing? No, you do not have to report an in-patient hospitalization that involves only observation or diagnostic testing. You must only report to OSHA each in-patient hospitalization that involves care or treatment.

(11) How does OSHA define "amputation"? An amputation is the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage, that has been severed, cut off, amputated (either completely or partially); fingertip amputations with or without bone loss; medical amputations resulting from irreparable damage; amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, degloving, scalpings, severed ears, or broken or chipped teeth.